

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

KENNETH LACEN,

Defendant.

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/14/2024
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1:16-cr-656-GHW-3

ORDER

GREGORY H. WOODS, United States District Judge:

On November 17, 2017, the defendant was sentenced principally to a term of imprisonment of 168 months.

On March 12, 2024, the defendant filed a motion (the “Motion”) requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. Dkt. No. 1036. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record in this case and the Motion.

It is hereby ORDERED that the defendant is ineligible for this reduction because he did not receive an enhancement for committing the offense while under a criminal justice sentence and he had more than zero criminal history points. As a result, the Motion is denied.


The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 1036, and to mail a copy of this order, together with the Court’s order filed at Dkt. No 1043, to Mr. Lacen by

first class mail.

SO ORDERED.

Dated: May 14, 2024
New York, New York



GREGORY H. WOODS
United States District Judge